

REMARKS

This Amendment is being filed in response to the Office Action mailed on May 29, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2, 6, 8-10 and 12-19 are pending in this application, where claims 3-4 and claim 11 have been currently canceled, and claims 12-19 have been currently added. Claims 1 and 8 are independent.

In the Office Action, claims 1-3 and 8-11 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,865,627 (Wu'627) in view of U.S. Patent No. 6,535,470 (Wu'470). Further, claims 4 and 6 are rejected under 35 U.S.C. §103(a) over Wu'627, and Wu'470 and further in view of U.S. Patent No. 5,802,032 (Jacobs). Applicant respectfully traverses and submits that claims 1-2, 6, 8-10 and 12-19, as amended, are patentable over Wu'627, Wu'470 and Jacobs for at least the following reasons.

Wu'627 is directed to a regulating real-time data capture rates to match processor-bound data consumption rates. As described on column 7, lines 26-54, various calculations are performed, such as calculating the amount of time to transition from play-mode to stop-mode.

Wu'470 is directed to a method and apparatus for writing data in a disk drive. A velocity detector determines a velocity of a rotating disk as a detected velocity. A control circuit retrieves write signal control values based on the detected velocity and selected predefined velocities of the sets of write signal control values. (See Abstract)

As correctly noted on pages 4-5 of the Office Action, Wu'627 and Wu'470 do not control means arranged for calculating the buffer filling period depending on information about a location of the part of the media stream on the storage medium. Jacobs is cited in an attempt to remedy the deficiencies in Wu'627 and Wu'470.

Jacobs is directed to a method recording an optical information carrier, in which marks representing recorded data are written at different writing speeds by radiation pulse of equal

length and power, independent of the writing speed. The number of pulses per unit length of the written mark is a constant independent of the writing speed. (See Abstract) Column 8, lines 43-67 is cited to allegedly show calculating the buffer filling period depending on information about a location of the part of the media stream on the storage medium.

It is respectfully submitted that column 8, lines 43-67 of Jacobs describes detecting the radial position of a radiation beam, and using the detected beam position to increase the frequency of a clock with radial distance for generating a control signal that contains write pulses synchronized to the clock signal. The control unit generates the same sequence of write pulses independent of the writing speed; "only the rate at which the pulses are generated varies with the writing speed, i.e. with the radial position of the radiation beam." (Jacobs, column 9, lines 3-5)

In particular, column 8, line 43 to column 9, line 5 of Jacobs specifically recite:

A position sensor 9 detects the radial position of the radiation beam, for instance by determining the

radial displacement of the radiation source 2 or by deriving the position from signals read from the information layer. The position is fed into a clock generator 10, which generates a data clock signal S_k , the frequency of which increases with the radial distance of the radiation beam 3 from the centre of the disc 6. In general, the clock signal is derived from a crystal clock, for instance by dividing the crystal clock signal by a number dependent on the radial distance. The control unit 1 combines the data signal S_D and the clock signal S_k to the control signal $S.C$, e.g. by means of an AND gate, such that the control signal contains write pulses of substantial equal pulse width and equal power synchronized to the clock signal. The control unit may generate the pulses of equal width by means of a mono-stable multivibrator triggered by the data signal and the clock signal. The multivibrator has preferably an adjustable pulse width to allow for different lengths of the first and last pulse of a sequence for writing a mark. The number of write pulses is constant for a unit of length of a written mark. The control unit generates the same sequence of write pulses for writing a certain mark independent of the writing speed, only the rate at which the pulses are generated varies with the writing speed, i.e. with the radial position of the radiation beam.

It is respectfully submitted that Wu'627, Wu'470, Jacobs, and combinations thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 8 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the control means are arranged for calculating the buffer filling period depending on information about a location of the part of the media stream on the storage medium.

Calculating the buffer filling period depending on information about a location of the part of the media stream on the storage medium is nowhere disclosed or suggested in Wu'627, Wu'470 and Jacobs, alone or in combination. Rather, Jacobs discloses synchronizing write pulses to the clock signal having a frequency that increases with the radial distance. Such a disclosure has nothing to do with filling any buffers, let alone calculating the buffer filling period depending on information about a location of the part of the media stream on the storage medium. Any location information in Jacobs is used to change the frequency of the clock signal and the rate of write pulses.

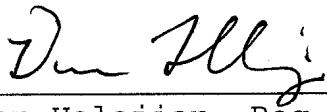
Accordingly, it is respectfully requested that independent claims 1 and 8 be allowed. In addition, it is respectfully submitted that claims 2, 6, 9-10 and 12-19 should also be allowed at least based on their dependence from independent claims 1 and 8 as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is

respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no Official Notices are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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